

REMARKS

We are in receipt of the Office Action dated February 11, 2004, and the above amendments and following remarks are made in light thereof.

Claims 1-28 are pending in the application. Pursuant to the Office Action, claims 1-6, 12-19 and 25-28 are rejected under 35 USC 102(b) as being anticipated by Redding et al. 5,024,573.

Claims 1-8, 10 and 13 stand rejected under 35 USC 102(b) as being anticipated by Redding 5,466,110. Claims 12, 14-21, 23 and 25-28 stand rejected under 35 USC 103(a) as being unpatentable over Redding. Claims 9, 11, 22 and 24 are objected to as being dependent upon a rejected base claim, but are otherwise indicated to be directed to allowable subject matter, which applicant gratefully acknowledges.

Turning to the present invention, it is directed to a retractable lifter for a refuse container that lends itself particularly well to mounting to the underside of a hopper, with no change required to the sill of the collection vehicle. To accomplish this, the lifter carriage is pivotally mounted with respect to a moveable lifter support so that the lifter support and lifter carriage are simultaneously moved between first/retracted and second/extended positions. To emphasize the structure, both of the independent claims 1 and 14 have been amended to require the lifter carriage to be pivotally moveable with respect to the lifter support.

Turning to the Redding et al. and Redding references relied upon the examiner, the examiner identifies lifter support 22 and



lifter carriage 32 in Redding et al. and lifter support 40 and lifter carriage 70 in Redding. In neither of the references is the carriage pivotally mounted with respect to the lifter support. Accordingly, in view of the foregoing amendment to claims 1 and 14, applicant submits that these claims are not anticipated by Redding et al. or Redding. Each of the remaining claims is dependent either directly or indirectly from either claim 1 or 14, and are thus allowable for at least the same reasons.

Accordingly, applicant submits that the present application is in condition for allowance, and an early Office Action in this regard is earnestly solicited.

Respectfully submitted,

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Gary W. McFarron
Attorney of Record
Registration No.: 30,181
COOK, ALEX, MCFARRON, MANZO,
CUMMING & MEHLER, LTD.
200 West Adams Street, Suite 2850
Chicago, Illinois 60606
(312) 236-8500